

Remarks

Introduction

This reply is submitted in response to the Office Action dated June 4, 2009. Claims 8, 10-15 and 17-18 are pending and currently stand rejected.

Claims 8, 10-15 and 17-18 were rejected 35 U.S.C. § 103(a) as being unpatentable over Dutta et al., U.S. Patent No. 6,615,212 (“Dutta”) in view of Meltzer et al., U.S. Patent No. 6,226,675 (“Meltzer”) and in view of Devine et al., U.S. Patent No. 6,385,644 (“Devine”).

In light of the remarks presented below, applicants respectfully request reconsideration and allowance of all the pending claims of the present application.

Summary of Examiner Interview

Applicants’ undersigned representative wishes to thank Examiner Duong for the courtesies extended during the telephonic interview on June 24, 2009. During the interview, the rejections of independent claims 8 and 14 were discussed along with the portions of Devine cited in the Office Action. In particular, applicants’ representative pointed out that Devine fails to show or suggest the claimed features that the Office Action acknowledges are missing from Dutta and Meltzer.

Although no final agreement was reached during the interview with regards to patentability, the Examiner acknowledged that Devine (like Dutta and Meltzer) failed to suggest “determining a type of operation requested by the external device” or a “parser front end [that] determines the type of operation requested by the external device” as recited by independent claims 14 and 8, respectively. The Examiner also indicated that claim 15 may be allowable if rewritten in independent form.

The Examiner asked that this written reply to the Office Action include remarks consistent with those made by applicants’ representative during the Interview, so the Examiner may further consider them upon submission of this reply.

Appl. No.: 09/693,512
Reply Dated August 14, 2009
Reply to Office Action of June 4, 2009

Response to Claim Rejections under 35 U.S.C. § 103(a)

Claims 8, 10-15 and 17-18 currently stand rejected under 35 U.S.C. § 103(a) as being unpatentable over the combination of Dutta, Meltzer, and Devine.

Independent claim 8 recites, “said parser front end determines the type of operation requested by the external device.” Independent claim 14 recites “receiving an XML command at the gateway device … determining a type of operation requested by the external device … and transmitting an XML response from the gateway device to the external device based on the XML command” Applicants respectfully submit that these features are not taught or suggested by the cited documents, either alone or in combination.

On page 8 of the Office Action, the Examiner acknowledges that Dutta and Meltzer lack any disclosure related to determining a type of operation requested by the external device. To fill this void, the Examiner relies on Devine’s parser object. See the Office Action, pages 8-10.

Devine’s parser object is built into Devine’s report manager 312’, which validates a request from a client. Devine, col. 13, lines 16-46. If a client’s request is valid Devine’s report manager 312’ sends “a standard response … back to the requesting client.” Devine, col. 13, lines 45-46. If a client’s request is invalid, Devine’s “report manager 312 returns an error message to the requesting client.” Devine, col. 13, lines 40-42. In Devine, the client is resident on “a customer workstation 10 and provides customer access to the enterprise system” Devine, col. 4, lines 32-34.

In addition to the gateway device, applicants’ independent claims recite both a “subscriber computer” and an “external device.” Like Devine’s client, applicants’ claimed subscriber computer is intended to be used by a subscriber or – as Devine calls it – a customer. Whereas, on page 3 of the Office Action, applicants’ “external device” is likened to Dutta’s originating server 614.

Because of all these things (e.g., applicants’ claims reciting both a “subscriber computer and “an external device;” Devine’s client being intended for a customer’s use like Dutta’s client 602; and Dutta’s originating server 614 being likened to applicants’ “external device”), the Examiner agreed that Devine’s “requesting clients” (which Devine’s parser object communicates with) cannot be likened to applicants’ “external device.” Therefore, Devine’s parser object does

not “determine[] the type of operation requested by the external device” as recited by applicants’ independent claims 8 and 14.

Moreover, even if Devine’s parser object could be reconfigured to communicate with something other than a requesting client, there is nothing in the cited portion of Devine that suggests Devine’s parser object is able to “determin[e] the type of operation” requested by any device. At best, Devine’s parser object is only configured to determine whether a request is valid or invalid, which is different than “determining the type of operation requested by an external device.”

Therefore, applicants’ respectfully submit that, even if Dutta could be combined with Devine, one skilled in the art would not implement features of Devine’s client device in Dutta’s originating server 614. If anything, one skilled in the art might consider implementing features associated with Devine’s requesting client in Dutta’s client 602. Moreover, even if there was some reason why and some teaching as to how Devine’s parser object 312’ could be configured to validate a request from Dutta’s originating server 614, there is nothing in the cited portion of Devine that suggests Devine’s parser object could do more than validate a request and “determine[e] the type of operation requested” as required by applicants’ independent claims.

For these reasons the Examiner acknowledged during the telephonic interview that Devine does not fill the void left by Dutta and Meltzer (i.e., Devine fails to “determine[e] the type of operation requested by the external device”). At least because Dutta, Meltzer and Devine fail to teach or suggest these features of applicants’ independent claims, any combination of Dutta, Meltzer and Low also fails to disclose each recited feature of independent claims 8 and 14. Accordingly, independent claims 8 and 14 are patentable over Dutta, Meltzer and Low, whether taken alone or in combination.

Claims 10-13, 15, 17 and 18 depend either directly or indirectly from independent claims 8 and 14, respectively, and thus include all the recitations of their respective independent claims. Thus, dependent claims 10-13, 15, 17 and 18 are patentable for at least the same reasons given above for independent claims 8 and 14. Moreover, as discussed briefly during the telephonic interview, the dependent claims include additional recitations, at least some of which are not suggested by the cited documents and which, therefore, provide additional bases of patentability.

Appl. No.: 09/693,512
Reply Dated August 14, 2009
Reply to Office Action of June 4, 2009

For example, the Examiner noted during the interview that claim 15 defined subject matter not shown by any of the documents of record.

Accordingly, for all the reasons stated above, applicants respectfully submit that the rejections of claims 8, 10-15, 17 and 18 have been overcome and should be withdrawn.

Conclusion

In view of the remarks submitted above, it is respectfully submitted that the present claims are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present invention.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that an extension of time is necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee that may be required (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,



Adam M. Kaplan
Registration No. 59,109

Customer No. 00826
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000
Tel Charlotte Office (704) 444-1000
Fax Charlotte Office (704) 444-1111

ELECTRONICALLY FILED USING THE EFS-WEB ELECTRONIC FILING SYSTEM OF THE UNITED STATES PATENT & TRADEMARK OFFICE ON August 14, 2009.